

REMARKS

Applicants request favorable reconsideration of the above-referenced application in view of the above amendments and the following remarks.

Claims 1-11, 27, and 28 are now pending in this application, with Claims 1 and 28 being independent. Claims 12-26 have been canceled. By this Amendment, Applicants have amended independent Claim 1 and added new independent Claim 28.

Claims 1-4, 7-11, and 27 stand rejected on the basis of obviousness-type double patenting over the claims of U.S. Patent No. 6,692,503 (the '503 patent) in view of U.S. Patent No. 5,676,666 (Oxland et al.). Applicants traverse this rejection.

Applicants submit that there is not a proper basis established for combining the disclosure of the claims of the '503 patent with Oxland et al. Applicants submit that one would not be motivated to combine such disclosures in a manner to achieve the subject matter of the present claims. Accordingly, Applicants request withdrawal of this rejection. If, however, the Examiner intends to maintain the rejection, Applicants request that the Examiner contact the undersigned representative to discuss a Terminal Disclaimer.

Claims 1-4 and 7-11 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,342,057 (Brace et al.) in view of Oxland et al. Applicants traverse this rejection.

As recited in independent Claim 1, Applicants' invention is directed to a bone fixation system. The system includes a plate having a plurality of openings between the top and bottom surfaces thereof. A pair of the openings form first and second slots positioned on opposing sides of a central axis, which extends longitudinally between ends of the plate. The slots extend in the

direction of the central axis and have lengths greater than their widths. A drill guide has first and second guide members extending from a handle, with each guide member having a passage with an opening at a distal end. Each of the guide members also includes an offset portion adjacent the distal end and positionable in a corresponding one of the slots. Each offset portion is configured to contact a first end of the corresponding slot to space an adjacent edge of a hole formed therethrough along the corresponding slot away from the first end of the slot. Consequently, a fastener inserted into the hole through the slot is spaced a distance from the first end of the slot.

The Examiner relies on Brace et al. as describing an offset portion. It is the Examiner's position that neck 220 described in that patent, and shown in Fig. 11, for instance, corresponds to the offset portion of the present claims. Applicants note, however, that, as shown in Fig. 11, neck 220 does not contact an end 256 of the slot. Instead, neck 220 extends toward the center of the slot and is positioned opposite the side of the guide member which contacts end 256 of the slot. Thus, because neck 220 does not contact the end of a slot to space the position of the guide member along the slot away from the end, it cannot correspond to the offset portion recited in the present claims.

Oxland et al. is cited in the Office Action as describing a bone plate. Applicants submit that this document fails to remedy the deficiencies discussed above with respect to Brace et al. Specifically, Oxland et al. does not describe an offset portion of a guide member.

Accordingly, Applicants submit that Brace et al. and Oxland et al., taken alone or in combination, fail to disclose or suggest the features of an offset portion configured to contact a first end of a corresponding slot to space an adjacent edge of a hole formed through a guide


member along the corresponding slot away from the first end of the slot, such that a fastener inserted into a hole through the slot is spaced a distance from the first end of the slot, as recited in independent claim 1.

New independent Claim 28 recites all the features of independent Claim 1, and further recites that the first end of the slot which the offset portion contacts is closer to an end of the plate than the second end of the slot. The remaining claims in this application are dependent claims which depend from independent Claim 1. Thus, new independent Claim 28 and the dependent claims may be considered allowable for the same reasons discussed above with respect to Claim 1.

For the foregoing reasons, Applicants request withdrawal of the rejection under 35 U.S.C. § 103. Applicants also submit that the present application is in condition for allowance. Reconsideration and withdrawal of the rejections and an early notification of allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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